IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.12.2007

CORAM

THE HONOURABLE MR. JUSTICE S.J.MUKHOPADHAYA
AND
THE HONOURABLE MS. JUSTICE K.SUGUNA

W.A. NOS. 1002 OF 2006 & 9 & 75 OF 2007
W.P. NOS. 11062 & 11634 OF 2002
W.P. NOS. 31753 & 33944 OF 2006 & 10946, 12197, 13514 & 15353 OF 2007
AND
W.A.M.P. NOS. 14917 & 15685 OF 2002
M.P. NO. 1 OF 2006
M.P. NOS. 1 & 2 OF 2007

The State of Tamilnadu
represented by its Secretary
Finance (Pension) Department
Fort St. George, Chennai- 9. ... Appellant in W.A.Nos.1002/06 and 9 and 75 of 2007 and first respondent in W.P.Nos.11062, 11634 of 2002, 12197, 13514 of 2007 (sole respondent in W.P.31753/06, 33944/06, 10946/07, 15353 of 2007)

VS

Tamilnadu Retired Officials
Association and its affiliated District and Taluk
retired Officials association and pensioner
Association represented
by its General Secretary N. Subramanian
having office at D.P.I. complex,
Chennai-6 ... Respondent in W.A.1002/06

Kallakurichi Taluk retired
official Association represented by its president
Mr.M. Narayananasamy
Kallakurichi- 606 202
Villupuram District
(Regn.No.27/01) ... Respondent in W.A.No.9/07

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

TAMILNADU RURAL DEVELOPMENT
DEPARTMENT PENSIONER ASSOCIATION
REPRESENTED BY ITS PRESIDENT R.A. AYYANAN
NO.37 INDIRA GANDHI STREET,
JAWAHAR NAGAR, TIRUMANGALAM- 625 706 ... RESPONDENT IN W.A.NO.75/07

K. SUBRAMANIAN ... PETITIONER IN W.P.NO.11062 OF 2002

R. BALAKRISHNAN ... PETITIONER IN WL.11634 OF 2002

W.P.No.31753 of 2006

1.V.SIVASUBRAMANIAM
2 S.RAMASWAMY
3 E.V.THIAGARAJAN
4 R.DEVANATHAN
5 T.P.VARADHAN
6 DHANASEKARAN
7 P.ARUMUGHAM
8 B.RAMANUJAM
9 G.GODAVARI
10 M.KAMALA
11 K.P.CHIDAMBARAM
12 C.ISAAC
13 K.PATHIMA BEE
14 P.SANTHANAM
15 R.KANDASAMY
16 A.SARANGAPANI
17 N.NATARAJAN
18 K.PARVATHI
19 G.KANNAN
20 A.SUSAIMARIANATHAN
21 S.GANAPATHY
22 G.SUNDARAM
23 N.RAMALINGAM
24 G.RANGANATHAN
25 V.RAJARAMAN
26 T.M.KADIRVELU

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

27 A.JOHN
28 N.MARY SUSEELA
29 S.VEERABAHU
30 K.LALITHA
31 A.SORNAM
32 A.SRINIVASAN
33 V.KRISHNAN
34 R.POONGANI
35 K.ARUMUGAM
36 V.RAJESWARI
37 A.BOOMADEVI
38 C.MUTHUKRISHNAN
39 S.SITARAMAN
40 R.MEENAKSHI SUNDARAM
41 V.JEYAMANI
42 S.S.PITCHAI
43 P.PEER MOHIDEEN
44 A.SUBBIAH
45 A.AVALI
46 J.VICTORIA
47 I.JOSEPH
48 R.SAROJA
49 A.GOVINDAN
50 K.MANAVALAN
51 A.SAROJINAL
52 P.GOPAL
53 A.AROKKIAMARY
54 R.PONNAMMAL
55 P.MURUGAN
56 R.ARASAYEE
57 W.ALBERT
58 S.KAMALA
59 V.MUTHIAH
60 MARIAMMAL
61 M.DHAMAMANI
62 V.MUTHUMANY
63 SALETHAMARY

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

64 R.PHILOMINMARY
65 SALATHMARY
66 R.ANTONISAMY
67 T.K.MUTHUVEERAN
68 G.ALBERT DEVADOSS
69 JAYAMANI
70 D.LIZAH
71 A.GANAPATHI
72 S.SAVARIANANDAM
73 P.AYYAVOO
74 NAVANEETHAM GEORGE
75 C.PERIASAMY
76 N.S.SAROJA
77 K.DHANDAPANI
78 S.SRINIVASAN
79 S.RAJALAKSHMI
80 P.PANCHANATHAM
81 V.R.CHOCKALINGAM
82 S.GOVINDARAJAN
83 S.AMSADEVI
84 KRISHNAVENI
85 A.M.ARAWAMUTHAN
86 H.THAHIRUNNISA
87 N.NARAYANAN
88 V.BALASUBRAMANIAN
89 T.S.MURUGIAH
90 K.PARAMASIVAM
91 T.K.KANAKAM
92 CHIDAMBARAM
93 N.MAHALINGAM
94 R.V.MEENACHI SOUNDRAM
95 S.VAIRAKILI
96 R.JAYAKUMAR
97 S.KRISHNAVENI
98 R.DEVARAJAN
99 T.S.CHIDAMBARAM
100 P.DHARMALINGAM

सत्यमेव जयते
WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

101 K.ALAGAR
102 M.PETER
103 S.ANNAMMAL
104 M.ABRAHAM
105 G.GOPALAKRISHNAMMAL
106 V.MEENAKSHI SUNDARAM
107 M.K.V.MALATHY
108 A.KRISHNAMMAL
109 P.MANICKAM
110 A.KALEELUR RAHIMAN
111 S.RAMADEVARU
112 R.MARIMUTHU
113 D.S.RAMARAO
114 P.SAMIAPPAN
115 S.RAJAGOPALAN
116 CLEMENT J.FELIX
117 MARGARET ELISABETH FELIX
118 DR. CELIA DOROTHY WHITE
119 D.P.KATTAR SINGH
120 R.LAKSHMI NARAYANAN
121 J.ROBERT JOTHIRAJAN
122 S.GOVINDASWAMY
123 VADIRAR MOSES ASIRARON
124 M.KRISHNAN
125 P.MYTRAN
126 J.T.EBENEZER
127 LUCY CHANDRASEGHARAN
128 D.MARY JEBAMAN
129 D.JAYAMANI
130 S.KOKILA NAVARAJ
131 ROSE.S.JEBARATNAM
132 MARY EDWIN
133 D.MARAGATHA BAI
134 A.SAMUEL JEBARATNAM
135 T.CHANDRASEGARAN
136 A.S.MUNEER BASHA
137 P.INNACIAMAL

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

138 R.SAVARIAMMAL
139 SUSELA
140 A.V.MANICKARAJ
141 S.SHANMUGAM
142 K.GOVINDAN
143 R.SAROJA
144 V.LATCHMI
145 K.N.ANANTHAPADMANABHAN
146 G.RAMADOSS
147 B.MEENAKSHI
148 S.IYYAPPAN
149 D.PAKTHAVATSALAM
150 MRS.BABY SAROJA
151 V.HARIRAO
152 K.JEYARAMAN
153 M.C.SIVAPRAKASAM
154 V.RAMAMOORTHY
155 C.PATTAMMAL
156 P.BALASUBRAMANIAN
157 A.V.VAIDYANATHAN
158 C.RETHINASABAPATHI
159 M.RADHAKRISHNAN
160 S.NATARAJAN
161 AMITHAMMAL
162 RUKMANI
163 S.KRISHNAKUMARI
164 S.ANTONY
165 K.PARVATHY
166 A.RAMALAKSHMI
167 H.VASANTHA
168 T.N.GURUNATHAN
169 R.SUBRAMANIAM
170 V.S.RAJAGOPAL
171 P.V.NARASIMHAN
172 V.R.BALARAMAN
173 R.KUPPUSWAMI
174 P.SHANMUGAM

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

175 K.K.KAMALABAI

176 K.V.SARASWATHI

177 N.RAMACHARI

178 A.K.SRINIVASAN

179 P.LAKSHMI

180 K.THANGARAJ

181 V.SUNDARAM

182 VASANTHA

183 A.VICTORIA ANGELINA

184 ALAGAMMAL

185 C.SAROJA

186 G.PERIASAMY

187 P.RATHINAM

188 V.RAJAMANICKAM

189 P.NATARAJAN

190 S.NALLAMMAL

191 M.MARY

192 I.ABDUL WAHEED

193 K.BAKTHAVATHCHALAM

194 MARIAMMAL

195 V.SEERALAN

196 C.BALASUBRAMANIAN

197 G.DEVARAJAN

198.B.P. SEETHARAMAN

199. C.GOVINDASAMY

200 ANADHANAN

201 P.ALICE

202 K.SHANMUGA SUNDRA VADIVU

203 P.M.ABDUL RAHIMAN

204 S.SIVARAJAN

205 S.NATARAJAN

206 S.VARADARAJAN

207 S.SUBBAIAN

208 M.I.JACOB

209 V.SIVARAJAN

210 R.JENRAGAVALLI

211 T.M.SRINIVASAN

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

212 A.R.REVATHI

213 M.S.RADHAKRISHNAN

214 I.RAMASAMY

215 M.NATARAJAN

216 K.SUBRAMANIAN

217 T.RATHINASABAPATHY

218 I.AUTHITHAN

219 R.PONNUCHAMI

220 R.N.HARIHARAN

221 S.RAMANATHAN

222 T.SIVANESAN

223 T.K.SESHADRI

224 M.SUNDARAMBAL

225 S.SIVANDHANAVALLI

226 A.BHAGIRATHI BAI

227 A.V.MATHURAM

228 SANKARAVADIVU

229 G.KRISHNAMOORTHY ... PETITIONERS

W.P.33944/06

1 N. ARUL SENGUTTUVAN

2 N. SIVARAMAKRISHNAN

3 K.KANNIAPPAN

4 S.N. ABDUL RAHIM

5 V. RAMASAMY

6 G. SHANMUAM

7 R. RAJAMMAL

8 S. THUNDIAN

9 V. DEVAGI

10 G. CHANDRA SEKARA GUPTA

11 K. MUTHUNATESAN

12 P. RAMASAMY

13 M MANICKAM

14 K. GOMATHY

15 A. SAVARIAMMAL

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

16 BACKIALAKSHMI

17 R. BAGYALAKSHMI

18 S.P. CHELLIAH

19 P. ARUMUGAM

20 R. PAPPAIYAN

21 T. MUTHULAKSHMI

22 M. SAKTHIVEL

23 M. RAJAMMAL

24 K. SUKUMARAN

25 S. SHANMUGAM

26 M. SIKKANDER BATCHA

27 C. NATARAJAN

28 S. MEENAKSHIAMMAL

29 C.PAUL FRANCIS

30 B. JESSIE NAVAMANI

31 T. THINAMANI

32 T.SIVALINGAM

33.L. VEDAMANICKAM

34 D. SAKUNTHALA

35 T.JAYALAKSHMI

36 M. NARAYANASWAMY

37 A.K. RAMASAMY

38 K. CHINNASAMY

39 S.JESSAMMAL

40 L. KAMALA

41 N. SAHUL HAMEED

42 S. SADAIAPPAN

43 R.KASIVISLAKSHI

44 S.VELUMAYIL

45 K NATCHIAPPAN

46 S.SARATCHANDRAN

47 K. DHANAM

48 P. RAJAMANICKAM

49 S. MUTHUSAMY

50 V. KITTAMMAL

51 T. KUPPANNAN

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

52 K. VADIVEL
53 S. JAYALAKSHMI
54 T. PARAMASIVAN
55 P RAJESWARI
56 R. PAPPA
57 R.V. RAMASAMY
58 A. KARUPPUSAMY
59 S.M. CHOKKALINGAM
60 S. PALANISAMY
61 R. MARTHAL
62 K. DEVANA GOUNDER
63 K.KARUPPATHAL
64 K.V. RAMASAMY
65 R.PERUMAL
66 A. BASKARASETHUPATHY
67 N. SUBBIAN
68 J. PHILOMINAL
69 S. FEBELL JEEVAGI
70 S. JESSAMMAL
71 P.VELAMMAL
72 N. NACHIMUTHU
73 T. PONNUSAMY
74 V.DURAIRAJ
75 T. POTHILINGAM
76 C. EDDYSAMUEL
77 T. THANGARAJ
78 A. KULANDAIVADIVEL
79 G. PALANIAMMAL
80 S. RENGANATHAN
81 T. PALANICHAMY
82 K. DURAIYAN
83 S. PAPPAL
84 V.R. BALASUBRAMANIAN
85 R. RAJESWARI
86 K. MARUTHAMUTHU
87 P. GANAPATHI

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

88 P. SUBRAMANIAM
89 R. BHAGIRATHI
90 N. VENKATARMAN
91 M. PANDI
92 A. MARIMUTHU
93 S. GRACE
94 D. MERCY
95 UMSALMA BEEVI
96 D.MERCY
97 VARADHARAJULU
98 S. PARVADHAVARDHINI
99 V. MANOHARAN
100 M. EASWARI
101 PS. SOMASUNDARM
102 T ARUMUGAM
103 S. KANDASAMY
104 M. MUTHUNAGARATHINAM
105 A.CHELLAMUTHU
106 A. GNANAMBAL ABRAHAM
107 B.ANANDAPADMANABHAN
108 D MARUTHASALAM
109 R. RANJITHAM
110 S. ALIMABIBI
111 S.M. CHOKKALINGM
112 M. GOMATHI
113 R. RAJESWARI
114 S.SUNDARA BAI
115 C. NATANASABAPATHY
116 P. KALIMUTHU
117 PS. ABDUL
118 P. PAPPAYAL
119 P.MUNIAMMAL
120 S. SENGIAH
121 K.KANNAMMAL
122 P.V. SANKARANARYANAN
123 J. SARWESWARAN
124 K. PALANIKUMAR

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

125 VICTORIA NAVAMONI
126 P. RATHINASABAPATHY
127 K VARADHARAJAN
128 J. MUNEESWARASAMY
129 C.K. MANICKAM
130 R. ALAGUMALAI
131 K. VANNIMUTHU
132 K. RAMADOSS
133 R. MUTHUKRISHNAN
134 M. THIRUVARIENKARAYALAR
135 A.P. ARUMUGAM
136 A. SELVARAJ
137 S. SARASWATHI
138 M.PERUMAL
139 M. MURUGESAN
140 D.K. RUKUMANI
141 K.BALASUBRMANIAN
142 V.S. VADIVELU
143 P. JAYARMAN
144 M PALANISAMY
145 A RAJAMMAL
146 I PITCHAI
147 LOGAMBAL SIVANMALAI
148 S. DEVAIRAKKAM
149 P. KUMARAVEL
150 P. MOHAMED GHOUSE
151 K. RAMASAMY
152 N. MAOHARA SOPHIA
153 M. CHOCKALINGAM
154 A. JAYARAMAN
155 M. ALAKAMMAL
156 A. NACHIMUTHU
157 V. KRISHYNAVENI
158 K. SADAYAPPAN
159 K. THANGAELAMMAL
160 K.L. VIJAYAMMA ... PETITIONERS

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

W.P.12197/07

1.V.C.PAPPATHI
2 C.PALANIMANICKAM
3 B.PARAMESWARI
4 REV.FR.R.RAPHAEL
5 K.SANJEEVAN
6 N.R.PADMANABHAN
7 S.PALANISAMY
8 M.T.KARUNAKARAN
9 K.R.GOWRI
10 M.MUTHUSAMY
11 P.PERUMAL
12 S.MARIAPUSHPAM
13 P.ALAGAPPAN
14 K.MOHAMMED
15 R.RAGHUPATHI
16 S.PALANISAMY
17 S.VENKATARAMAN
18 S.VIJAYALAKSHMI
19 T.SUBBULAKSHMI
20 T.SUBBULAKSHMI
21 A.THIRUVNNAMALAI
22 G.NEELAKANTAN
23 R.SAMBANDAM
24 R.BAVANANDAM
25 B.RAJESWARI
26 T.P.SELVARAJ
27 K.NANDAGOPAL
28 A.MARIA DAI MERCY
29 R.SRINIVASAN
30 S.P.S.GANESAN
31 P.S.MAHADEVAN ... PETITIONERS

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

W.P.13514/07

1 K.GOVINDARAJAN
2 N.G.RAMANUJAM
3 S.SAMBANDAM
4 S.MOHAMED HASSAN
5 PITCHAIAMMAL
6 A.SHANMUGAVEL
7 KAMALA SRINIVASAN
8 V.GURUSAMY
9 HEBZIBA GLORY GNANAMANI
10 R.LOURDU MARY
11 L.CHOCKALINGAM
12 P.KUMARAVEL
13 K.P.RAMAYYAN
14 N.V.BALASUBRAMANIAN
15 V.KUMARASWAMI
16 M.S.SHANMUGAM
17 C.SANKARA PULAVAR
18 A.ESAKKI KONE
19 S.MUTHIAH KONE
20 R.MUTHUKRISHNA KONE
21 P.GOVINDAN
22 R.PALANIAMMAL
23 A.SUBRAMANIAN
24 P.DAMODARAN
25 R.SEETHALAKSHMI
26 R.NAGABOOSHANAM
27 A.NEETHIMAN
28 J.GOMATHY
29 J.S.CHELLAMUTHU
30 S.PALANIAMMAL
31 M.PARAMASIVAM
32 S.ABDUL RASHEED
33 G.ANNALAKSHMI
34 K.SANTHA

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

35 V.VANAJA
36 M.MANGAIYARKARASI
37 P.MANICKAM
38 K.SUSEELA
39 JAGATHAMBAL
40 N.ANTONY AMMAL
41 K.PANDITHILAGAM
42 G.PARAMESWARAN
43 S.VENKATARAMAN
44 M.P.MUNIYANDI
45 S.SEBASTIAN
46 S.SAVARIMUTHU
47 SESHAMMAL
48 K.BIRAHADAMBAL
49 TMT.KASIAMMAL
50 M.MEENAKSHI
51 MEIVAZHI VASANTHATHI ANANDAR
52 P.AROCKIYAMERY
53 DR.M.KALIKUZ ZAMAN
54 DR.N.VENUGOPAL
55 C.KANDASAMY
56 R.JAYALAKSHMI
57 P.SHANMUGAM
58 S.GOVINDAN
59 K.VARADAPPAN
60 V.R.JAGATHRAMAN ... petitioners

WEB COPY

W.P.15353/07

1 R.SRINIVASAN
2 L.ANGALISWARAN
3 S.NARASIMHAN
4 R.MEENAKSHI
5 P.MARAGATHAM
6 K.PARAMASIVAM
7 S.K.ABDUL SALAM
8 G.S.RAMALINGAM

https://hcservices.ecourts.gov.in/hcservices/

9 G.S.RAMASAMY

10 V.N.CHANDRASEKARA RAO

11 M.MOHANASUNDARAM

12 S.SAMBANDAN

13 D.R.YESSU THANGARAJ

14 D.R.YESSU THANGARAJ

15 ALAMELU AMMAL

16 S.V.PERUMAL

17 B.MEENAKSHI

18 K.NARAYANASAMY

19 A.S.PARVATHI

20 S.JAMBULINGAM

21 M.AYOTHIRAMAN

22 P.M.THIRUGNANAM

23 S.SUNDARARAJAN

24 P.MANOHARAN

25 S.PANDIAN

26 M.GURUSAMY

27 S.ANGAMMAL

28 M.V.PERIASAMY

29 H.ESAKKIMUTHU

30 S.VELAYUTHAM

31 C.KANDASWAMY

32 P.SELVAVINAYAGAM

33 D.SILAMBIAH

34 N.SUBBULAKSHMI

35 A.SUBBIAH

36 P.AGASTHIAN

37 V.M.SELVARAJ

38 M.RAMASUBRAMANIAM

39 DR.K.SANKARAN

40 P.SANKARASUBBU

41 M.SHANMUGAIAH

42 S.REGINALD

43 C.KAMALA

44 S.MUTHUSAMY

45 T.BAGYALAKSHMI

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

46 M.SUBEDA BEGAM

47 SAROJINIAMMAL

48 P.K.VEERAVARAJA

49 S.VISWARAMASUBRAMANIAN

50 G.MUTHULAKSHMI

51 T.MAHALAKSHMI

52 S.NARAYANAN

53 P.M.PERIASAMY

54 P.R.VISWANATHAN

55 V.ARUMUGAM

56 J.RAMACHANDRAN

57 M.S.SUBRAMANIAN

58 S.VEDAM

59 KULANDAI THERESA

60 D.KULANDAI THERESA

61 K.SAROJA

62 V.NARASIMHAN

63 SEETHALAKSHMI

64 S.KALYANI

65 T.INDIRA

66 S.KRISHNAMOORTHY

67 P.VENKATACHALAM

68 N.E.THOMAS

69 K.GANAPATHI

70 A.R.GURUNATHAN

71 K.VENKATACHALAM

72 M.AMBIGAI VELU

73 P.CHINNATHAMBI

74 P.B.BHEEMAN

75 N.SARASWATHY

76 R.JESUDOSS

77 V.NATARAJAN

78 K.ARUNACHALAM

79 O.KRISNAN

80 S.VEERASAMY

81 V. A.YACUB ... PETITIONERS

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

W.P.10946 of 2007

1 K.RANGASAMY
2 P.KANDASAMY
3 M.PILLAYAR
4 A.P.SUBRAMANIAM
5 K.SUBRAMANIAM
6 C.MUNIASAMY
7 V.MAHALINGAM
8 M.BALAKRISHNAN
9 G.SHANMUGAM
10 N.SIVASUBRAMANIAM
11 N.KALIAMURTHY
12 V.VENKATASUBBIAN
13 P.S.SUBRAMANIAN
14 S.PADMAVATHI
15 P.THANGANATHAN ... Petitioner in W.P.10946/07

The Accountant General
Teynampet, Chennai-6 ... 2nd Respondent in W.P.No.11062 and 11634 of 2002

Judicial Magistrate
Sankagiri, Salem District.

The State of Tamilnadu
rep. by the Deputy Secretary to Government
Home (Courts-5) Department
Secretariat, Chennai-9 ... Respondent 3 and 4 in W.P.No.11062/02

The Judicial Magistrate NO.II
Sankari, Salem District

The Registrar
High Court of Judicature
Madras. ... Respondents 3 and 4 in W.P.NO.11634/02

The Commissioner
Gudiyatham Municipality
Gudiyatham, Vellore District ... 2nd Respondent in W.P.No.12197/07

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

The Commissioner
Tirunelveli Municipality
Tirunelveli District

The Examiner
Local Fund Accounts
Madras. ... Respondents 2 and 3 in
W.P.No.13514 / 07

W.A.No.1002 of 2006

Appeal under clause 15 of the Letters patent writ appeal to this Honourable Court against the order of the Honourable Mr. Justice N. Paul Vasanthakumar dated 23.2.2006 made in W.P.No.26741 of 2005.

This Writ Petition came to be transferred by way of transfer of O.A.NO.5672 of 2002 from the file of Tamilnadu Administrative Tribunal with a prayer to direct the respondent to implement the G.O.371 Finance (Pension) Department dated 30.4.1986 in letter and Spirit to all the members of the petitioner/ Association and the members of its affiliated Associations in the state of Tamilnadu.

W.A.9 and 75 /2007:-Appeal under clause 15 of the letters patent Writ Appeal to this Honourable Court against the order of the Honourable Mr. Justice N. Paul Vasanthakumar dated 20.4.2006 in W.P.Nos.32045/05 and 32089 of 2005 respectively. Writ Petition come to be numbered by way of transfer of O.A.NO.1162/2003 from the file of the Tamilnadu Administrative Tribunal to issue a writ of certiorarified Mandamus to call for records of the respondent relating to its proceedings in G.O.Ms.No.810 Finance (PC) Department dated 9.8.89 and quash the same in so far as the it directs the pensionary benefits of an employee retired/ retiring on or after 1.6.88 be completed by adding dearness allowances with pay at fixed percentage rates and consequently direct the respondent to extend the benefits conferred under G.O.MS.No.272 and 273 dated 15.6.98 to the members of the petitioners association.

W.P.11062 of 2002:- Petition presented to issue a writ of certiorarified mandamus to call for the records on the file of the fourth respondent passed in his proceedings in Letter No.7166/Nee.Ma.5/99-3 dated 29.9.1999 the quash the same and direct the respondents to pay the pensionery benefits by taking 100% basic pay into account for each and every month atleast from 1.12.1999.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

W.P.11634 of 2002:- Petition presented to issue a writ of Mandamus directing the respondents to pass orders on the petitioners representations dated 8.3.1999, 20.6.99 and 7.3.2002 or any other appropriate writ order or direction in the nature of writ or any other appropriate relief and

Petitioners presented to issue a writs of mandamus directing the respondent to extend the benefit of adding the entire D.A. Actually drawn by the employees retired during the period of 10 months proceeding to the retirement for reckoning average emoluments and for computing pension to those retired in between 1.1.88 to 31.12.1995 since the benefit had already been extended to those retired up to 31.12.87 as per G.O.Ms.No.371 (Pen) dated 30.4.86 consequent on the Judgement dated 6.5.96 in O.A.4953/92 by T.A.T which was implemented by government in G.O.Ms.No.272 and 273 fin(Pen) Department dated 15.6.1998 record with G.O.449 fin (Pension) Department dated 12.10.1999 and Government letter No.95284 (PC) 2000-01 dated 3.5.2001 to all the pensioners retired from 1.1.88 to 31.12.1995 with all consequential pensionary benefits with arrears. (W.P.No.31753/06, 33944/06, 12197/07, 10946/07, 13514/07, and 15353/07 respectively.

For Appellants : Mr. P.S.Raman, AAG, assisted by
Mr. D.Sreenivasan, AGP in all WAs

For Petitioners : Mr. R.Singaravelan in WP 11062 & 11634/02
Mr. S.M.Subramanian in WP 31753 & 33944 of 2006, 10946/07, 12197, 13514 & 15353/07

For Respondents : Mr. P.S.Raman, AAG, assisted by
Mr. D.Sreenivasan, AGP in all WPs
Mr. S.M.Subramanian in WA 1002/06
Mr. V.Vijay Shankar in WA 9 & 75/07

COMMON JUDGMENT

S.J.MUKHOPADHAYA, J.

In all these cases as common question of law involved, they were heard together and disposed of by this common judgment.

2. In one of the writ petition, W.P. No.11062/02, the petitioner prayed to quash the decision contained in letter No.7166/Nee.Ma.5/99-3 dated 29th Sept., 1999, with further prayer to direct the authorities to pay pension taking into consideration 100% basic pay with effect from 1st Dec., 1999.

In W.P. No.11634/02, prayer has been made to decide the representation relating to Dearness Allowance based on last pay drawn for the purpose of pension.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

In the other writ petitions, W.P. No.10946, 12197 , 13514 and 15353 of 2007, prayer has been made for direction on respondents to grant pensionary benefits by adding the entire Dearness Allowance actually drawn by the employees for the purpose of emoluments and pension and, thereby, to provide similar benefit as provided to employees, who retired upto 31st Dec., 1987, consequent upon judgment of the Administrative Tribunal implemented vide G.O. Ms. No.272 and 273, both dated 15th June, 1992, G.O. Ms. No.449 dated 12th Oct., 1999 and Letter No.95284 (PC) dated 3rd May, 2001.

In fact, similar prayers were earlier made in other writ petitions. In one of the writ petition, W.P. No.26741/05, prayer was made to implement G.O. Ms. No.371 dated 30th April, 1986 issued from Finance (Pension) Department, Government of Tamil Nadu in its letter and spirit for the members of Tamil Nadu Retired Officials Association. It was allowed by learned single Judge by order dated 23rd Feb., 2006 only on the ground that the position was not disputed by the Government Advocate. No decision having given on merit, a writ appeal has been preferred against the same by the State.

Another writ petition, W.P. No.32045/05 (T) was preferred by Kallakurichi Retired Officials Association for extension of benefit granted to members of association as conferred under G.O. Ms. Nos.272 and 273, both dated 15th June, 1998. It having been allowed by learned single Judge vide judgment dated 20th April, 2006, another writ appeal has been preferred by the State.

Similar relief was sought for by one Tamil Nadu Rural Development Department Pensioners Association in W.P. No.32089/05 (T), which was also allowed by learned single Judge vide order dated 20th April, 2006 in view of judgment passed in W.P. No.32045/05, which is also under challenge in a third writ appeal.

3. The questions that arise for determination in these cases are :-

a) Whether 1st June, 1988, a cut-off date fixed for computation of pension vide G.O. Ms. No.810 dated 9th Aug., 1989 is arbitrary ?

b) Whether the State Government employees, who retired between 1st June, 1988 and 8th Aug., 1989, are also entitled for pension in terms with calculation prescribed vide G.O. Ms. Nos.272 and 273, both dated 15th June, 1998 read with G.O. Ms. No.449 dated 12th Oct., 1999 and letter No.95284 (PC) dated 3rd May, 2001 ?

4. It is not in dispute that the retired employees of the State of Tamil Nadu are entitled for pension under the Tamil Nadu Pension Rules, 1978 (hereinafter referred to as 'Pension Rules'), which is fixed on the basis of the emoluments the employee was receiving/entitled to immediately before his retirement. The 'emoluments' includes certain allowances apart from pay under Rule 30 of the Pension Rules.

https://hcservices.ecourts.gov.in/hcservices/

5. Instructions were issued by the State from time to time prescribing the manner and percentage of allowances for calculation

of pension. On the recommendation of a Dearness Allowance Committee, by a G.O. Ms. No.115, dated 6th Feb., 1975, issued from Finance (Pension) Department, it was recommended to treat the existing rates of Dearness Allowance as "Dearness Pay" so as to grant the benefit of pension, gratuity, etc. Subsequently, the 4th Tamil Nadu Pay Commission recommended to treat the Dearness Allowance as "Dearness Pay" at the end of three years for the purpose of pension. Pay revision was given effect from 1st Oct., 1984. In view of such recommendation, a G.O. Ms. No.371, dated 30th April, 1986, was issued from Finance (Pension) Department. But the recommendation was accepted and implemented only in respect of employees, who will retired on or after 1st Oct., 1987, vide letter No.70707-A/Pension/86-1 dated 8th July, 1986, which reads as follows :-

> "The Fourth Tamil Nadu Pay Commission has among other things recommended that at the end of a period of three years, the Dearness Allowance sanctioned upto that period could be treated as Dearness Pay in order to ensure a reasonable pension level.
>
> The Government accept the above recommendation of the Commissioner and direct that in the case of Government Servants who will be retiring on or after 1.10.87 the Dearness Allowance sanctioned upto 1.10.87 shall be reckoned as Dearness Pay for the purpose of pension. In the case of death of the Government Servants occurring on or after 1.10.87 while in service the Dearness Allowance sanctioned upto 1.10.87 shall be treated as Dearness Pay for the purpose of computing Family pension."

6. One 'Ambasamudaram Taluk Pensioners Association' and another 'Sankarankoil Taluk Pensioners Association' preferred two applications before the then Tamil Nadu State Administrative Tribunal, being O.A. Nos. 2227/92 and 4953/92 and prayed to issue direction on State to allow the benefit of 'Dearness Pay' as ordered in G.O. Ms. No.371 dated 30th April, 1986 to those, who retired prior to 1st Oct., 1987. Such prayer was made on the ground that the pensioners are one homogeneous class and fixing of a cut-off date of 1st Oct., 1987 had no nexus with the object to achieve. Both the aforesaid applications were allowed by the State Administrative Tribunal and the cut-off date as was fixed was quashed with direction to the State to allow the benefit of Dearness Pay even to those, who retired prior to 1st Oct., 1987, apart from those, who retired between 1st Oct., 1987 and 31st May, 1988 (as 5th Pay Commission's recommendation was given effect from 1st June, 1988). Against the said order the State moved upto Supreme Court but having lost, had to issue one G.O. Ms. No.272, Finance (Pension) Department dated 15th June, 1998 allowing entire Dearness Allowance/Additional Dearness Allowance as "Dearness Pay" for the purpose of calculation of pension to those, who retired between 1st April, 1979 to 31st May, 1988.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

At this stage it is pertinent to note that G.O. Ms. No.371 dated 30th April, 1986, by which it was ordered to treat Dearness Allowance as "Dearness Pay" at the end of three years had also been quashed by the Tribunal and, therefore, the entire Dearness Allowance actually drawn by employees between 1st April, 1979 to 31st May, 1988 was treated as Dearness Pay in view of the Court's order.

The G.O. Ms. No.272 dated 15th June, 1998 was followed by another G.O. Ms. No.273 dated 15th June, 1998, issued from Finance (Pension) Department extending this benefit to the employees who retired during 2nd Oct., 1970 and 31st Jan., 1975. Thereby, the decision to treat Dearness Allowance as 'Dearness Pay' for the purpose of calculation of pension of the employees retired between 2nd Oct., 1970 to 31st Oct., 1975 and 1st Oct., 1979 to 30th Sept., 1987 reached finality vide G.O. Ms. Nos. 272 and 273, both dated 15th June, 1998.

7. In the meantime, the 5th Tamil Nadu Pay Commission's recommendation was accepted and pay and pension were revised with effect from 1st June, 1988 by G.O. Ms. No.810 dated 9th Aug., 1989, issued from Finance (Pension) Department. It was directed to compute the pensionary benefits of employees, who retired/retiring on or after 1st June, 1988 by adding Dearness Pay along with the pay at the following percentage rates :-

	Pay Range (1)	Rate of Dearness Pay (2)
(i)	Upto Rs.3,500	13 per cent of pay
(ii)	Above Rs.3,500 but not exceeding Rs.6,000	9 per cent of pay subject to a minimum of Rs.455
(iii)	Above Rs.6,000	8 per cent of pay subject to minimum of Rs.540

The aforesaid G.O. Ms. No.810 dated 9th Aug., 1989, was challenged before this Court in W.P. Nos.32045/05 (T) and 32089/05 (T). By impugned orders, both dated 20th April, 2006, learned single Judge allowed the writ petitions, which is under challenge in two of the present writ appeals.

8. Before the writ court as also this Bench, learned counsel for the petitioners (respondents in writ appeals) submitted that the action of the respondents is contrary to Rule 13 of the Pension Rules, which stipulates fixation of pension on the basis of ten months average pay last drawn by a Government Servant. Further, according to them, the action of the State in not taking into account of the entire Dearness Allowance for the purpose of pension is illegal and contrary to the judgment of the State Administrative Tribunal, as confirmed by the Supreme Court and the Tamil Nadu Pension Rules.

It was further submitted on behalf of the petitioners that the slab system, which was introduced for computation of pension depending on the pay scale, amounts to taking away the benefits earlier granted, which causes financial loss to the retired employees retiring on or after 1st June, 1988. No reason has been

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

shown to deny the benefits to those who retired between 1st June, 1988 till 31st Dec., 1988 and, thereby, it was alleged that the action of the State in discriminating pensioners is illegal, arbitrary and violative of Article 14 of the Constitution of India. Further, according to them, there is no rational or logic in fixing the cut-off date as 1st June, 1988 and as the retired employees form a single homogeneous class, no discrimination can be made.

Before learned single Judge, counsel for the State, while relied on different circulars and Government Orders issued from time to time, submitted that since Pay Commission nowhere recognised merger of Dearness Allowance to the pensioners, Government had decided not to give the benefits to the pensioners and there is no illegality and infirmity in the impugned order.

9. Learned single Judge, by impugned judgment dated 20th April, 2006, noticed the following facts :-

The Government had appointed a D.A. Committee for making recommendation and to fix Dearness Allowance for the pensioners. The said Committee submitted its report, which the Government accepted and implemented vide G.O. Ms. No.115 dated 6th Feb., 1979. In the said G.O., it is clearly stated that the Government's intention is that all the Government Servants retiring on or after 1st Feb., 1975, should derive the full benefit of the merger of the existing Dearness Allowance as Dearness Pay and directed that the Dearness Allowance actually drawn by Government Servant retiring on or after 1st Feb., 1975, during the ten months prior to their retiring, may be treated as pay for calculating their pension. The said benefit was restricted to a class of employees, which was held illegal by the Tribunal and the Tribunal directed to provide such benefit as no discrimination could be made between pensioners.

Learned single Judge, while observed that the 'Dearness Allowance' is fixed based on the price index and is payable not only to persons in service, but also to the pensioners, held that Dearness Allowance should be treated as pay for the purpose of pension.

10. Similar plea has been taken by the parties before us as was taken before learned single Judge. Apart from other submissions, learned Addl. Advocate General, while referred to the formula for computing pension, as contained in G.O. Ms. No.810 dated 9th Aug., 1989, submitted that if G.O. Ms. Nos. 272 and 273, both dated 15th June, 1998, is made applicable to those retired after 1st June, 1988, it will create anomaly and huge gap between those retired prior to 1st June, 1988 and those who retired thereafter, which will violate Article 14 of the Constitution of India.

11. For determination of the issues, it is desirable to notice the judgment passed by the Tamil Nadu State Administrative Tribunal, as affirmed by Supreme Court apart from the relevant G.Os. as issued by the State from time to time and referred to above.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

Before the Tribunal, the members of different pensioners associations challenged the cut-off date of 1st Oct., 1987 as was fixed for computing pension by G.O. Ms. No.371 dated 30th April, 1986 and the consequential orders. The State Government having failed to explain the relevancy of such cut-off date fixed therein, the Tribunal held the cut-off date as arbitrary and illegal. Apart from Supreme Court decisions relied upon for coming to such conclusion the relevant facts were noticed to find out as to how the Dearness Allowance was clubbed with the pay for computing pension.

12. It will be evident from the judgment dated 20th April, 2006, passed by learned single Judge in W.P. No.32045/05 as followed in the other case that no argument was advanced nor any determination has been made on the issue whether the cut-off date of 1st June, 1988 fixed vide G.O. Ms. No.810 dated 9th Aug., 1989 is arbitrary. In fact, no suggestion was made by learned counsel appearing on behalf of the contesting respondents to the writ appeals as to why the cut-off date of 1st June, 1988 should be held arbitrary.

On the other hand, learned Addl. Advocate General appearing on behalf of the State brought to the notice of the court the relevancy of the cut-off date of 1st June, 1988, as the recommendation of the 5th Pay Commission was accepted and given effect from 1st June, 1988.

13. It will be evident from G.O. Ms. No.810 dated 9th Aug., 1988 that the Government had carefully examined the recommendation of the 5th Pay Commission's recommendation in the light of the decision to grant fitment of pay to serving employees at 600 points of All India Consumer Price Index level. Accordingly, the Government enhanced the minimum pension and family pension to Rs.375/=. As the revised formula for calculation of family pension recommended by the 5th Pay Commission would result in reduction of family pension adversely affecting those already retired and will retire in the revised scales of pay, the existing pattern of calculation of family pension was allowed to be continued.

14. Relevancy of the cut-off date is also reflected from para-3 of G.O. Ms. No.810 dated 9th Aug., 1989, which is quoted hereunder :-

> "3. Based on the recommendations of the fourth Tamil Nadu Pay Commission, employees retiring on or after 1st October, 1987 were permitted computation of pensionary benefits treating the dearness allowance and additional dearness allowance at 687 points paid upto 1st October, 1987 as "Dearness Pay". As the fixation of pay in the revised scales of pay recommended by the Fifth Tamil Nadu Pay Commission has been made by merging dearness allowance paid upto 608 points of all India Consumer Price Index, those employees retired/retiring after drawal of revised pay would be getting lesser emoluments comprising of pension

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

plus dearness allowance compared to that of those retired under the pre-revised scales of pay. The Government have examined this anomalous situation and decided to grant "Dearness Pay". They accordingly direct that pensionary benefits of employees retired/retiring on or after 1st June, 1988 be computed by adding "Dearness Pay" along with pay at the following percentage rates :-

	Pay Range (1)	Rate of Dearness Pay (2)
(i)	Upto Rs.3,500	13 per cent of pay
(ii)	Above Rs.3,500 but not exceeding Rs.6,000	9 per cent of pay subject to a minimum of Rs.455
(iii)	Above Rs.6,000	8 per cent of pay subject to minimum of Rs.540

15. In the judgment passed by learned single Judge, while referring the submission of the counsel for the writ petitioners, Rule 13 has been referred. We feel it is a mistake and it should be Rule 30 (Emoluments), as Rule 13 deals with counting of service as apprentice, which has nothing to do with the present case. We have noticed that Rule 30 relates to emoluments for the purpose of calculating pension, which includes pay and other allowance, as quoted hereunder :-

> "30. Emoluments - In the rules, unless the context otherwise requires, --
>
> (1) Emoluments mean and include --
>
> (i) pay, other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity (including temporary capacity under emergency provisions) or to which he is entitled by reason of his position in a cadre;
>
> (ii) special pay, dearness pay and personal pay; and
>
> (iii) any other remuneration which may be specially claused as emoluments by the Government."

From the aforesaid provision it will be evident that apart from pay, special pay, "Dearness Pay" and personal pay are also accounted, if paid to one or other employee. The said scheme (Rule 30) for computation of pension is applicable to all the employees irrespective of the date on which he may retire, but all the employees cannot claim for same quantum of pension, as it is dependant on pay as was paid to one or other employee and the special pay or personal pay or dearness pay if allowed. Thus, though retired employees form one class of homogeneous group for the purpose of determination of pension under Rule 30, but quantum of their pension may vary, being dependant on the pay, etc.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

16. No employee has a right to draw the Dearness Allowance as "Dearness Pay" till the State Government decides to treat such Dearness Allowance as Dearness Pay for its employees. Though it is open to the State Government to treat 'Dearness Allowance' or a part of it as 'Dearness Pay' for the purpose of computation of pension, it is also open to the State Government not to treat such Dearness Allowance at all as Dearness Pay for the purpose of computation of pay.

For example, Dearness Allowance was never treated as Dearness Pay. It is only in the year 1974, the State Government, vide G.O. Ms. No.1009, Finance, dated 17th July, 1974, constituted a D.A. Committee to examine and report the extent to which it will be proper to reckon "a portion of Dearness Allowance" being paid as 'Dearness Pay' so as to benefit the employees of the State Government in respect of pensionary benefits. (Emphasis Added). The recommendation was accepted vide G.O. Ms. No.115 dated 6th Feb., 1975 and only part of the Dearness Allowance was treated as Dearness Pay for the purpose of calculation of pension.

Though "part of Dearness Allowance" was treated as full "Dearness Pay" for the purpose of pension by aforesaid G.O. Ms. No.115 dated 6th Feb., 1975, but "Dearness Allowance" was never treated as "Dearness Pay" for the purpose of computation of pay. For the first time, recently, 'a part of Dearness Allowance' has been treated as "Dearness Pay" for the purpose of determination of pay with effect from January, 2006.

In this background, we are of the view that it is for the employer to decide whether 'Dearness Allowance' could be treated as 'Dearness Pay' and it is also open to such employer to determine whether 'a part of the Dearness Allowance' can be treated as full 'Dearness Pay' for the purpose of computing pension.

17. We have already noticed that 1st June, 1988, the cut-off date had a nexus, pay of the employees having been revised from the said date pursuant to the recommendation of the 5th Pay Commission. It was brought to our notice by the learned Addl. Advocate General that the employees, who retired prior to 1st June, 1988, they were getting salary in the unrevised scales of pay. On the other hand, those who retired on or after 1st June, 1988, for the purpose of calculation of pay, their pay was calculated in the revised scale, which is much higher than the unrevised scales of pay.

We have also noticed the All India Consumer Price Index, as referred to in G.O. Ms. No.810 dated 9th Aug., 1989 and highlighted by the learned Addl. Advocate General. It appears that on the basis of All India Consumer Price Index, the Dearness Allowance was 687 points prior to 1st June, 1988. The 5th Pay Commission recommended, as accepted by the State Government, to merge Dearness Allowance upto 608 points of All India Consumer Price Index towards revised pay. Thus, those who were in service and retired on or after 1st June, 1988, in their case, along with the pay in the old scale, Dearness Allowance to the extent of 608 points of All India Consumer Price Index had already been included. It is only the rest part of the Dearness Allowance, i.e., about 79 points, which was not included with the pay of those, who retired on or after 1st June, 1988. As 79 points for the purpose of slab comes to 13% for

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

those getting pay range upto Rs.3,500/=, 9% for those who were getting pay range between Rs.3,500 to Rs.6,000/= and 8% for those who were getting pay range above Rs.6,000/=, it was decided to add only such percentage of Dearness Allowance as "Dearness Pay" for computation of pension.

18. Learned Addl. Advocate General, while submitted that the pension of those, who retired in the unrevised scales of pay, prior to 1st June, 1988 or those who retired in the revised scales of pay on or after 1st June, 1988 will be the same, this fact was disputed by counsel appearing on behalf of the petitioners.

Learned counsel for the parties circulated their respective calculations showing working sheet of pension as admissible to a class of employees, who retired prior to 1st June, 1988 in the unrevised scales of pay and those similarly situated and retired after 1st June, 1988 in the revised scales of pay. Charts are varying. While in the chart submitted by the State Government it has been shown that those who retired after 1st June, 1988 will be getting a little bit higher than those who retired prior to 1st June, 1988, the calculation submitted by individual parties shows that those who retired just prior to 1st June, 1988 may get a little higher emoluments than those who retired after 1st June, 1988. It is for the said reason, we also sought for opinion from the Accountant General, Tamil Nadu, who has submitted its calculation chart, as circulated between the parties and quoted hereunder :-

> "As per instructions of the Honourable High Court of Madras in WP 11634/02, the working sheets submitted by both the Government and the petitioners in WA 1002 of 2006 have been scrutinized and the following observations are made.
>
> A. Government Working Sheet :

Details of the Case	As it is	As it should be
Designation : Tahsildar Date of Retirement : 31.05.1988 Scale of Pay : Rs.1160-50-1460-70-1950 Pay Rs.1880	Rs.1387	Rs.1573*
Designation : Tahsildar Date of Retirement : After 01.06.1988 Scale of Pay : Rs.2000-60-2300-75-3200 Pay Rs.2300	Rs.1534	Rs.1534

> * If G.O.271/579 revision is applied in this case, then the revised pension from 1.6.88 works out to Rs.2000 + 18% DA.
>
> B. Petitioners Working Sheet : Out of nine illustrations, five cases are found to be correct and in four cases the correct calculations are given below :

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

Details of the Case	As it is	As it should be
Designation : Deputy Collector ('A') Date of Retirement : 30.04.1988 Scale of Pay : Rs.1340-75-1715-90-2435 Pay Rs.2435	Rs.2433 (From 1.6.88) Rs.6402 (From 1.1.96)	Rs.2589 (From 1.6.88) Rs.6808 (From 1.1.96)
Designation : Block Development Officer ('A') Date of Retirement : 31.01.1988 Scale of Pay : Rs.1045-45-1450-65-1675 Pay Rs.1515	Rs.849 (From 1.2.88) Rs.1427 (From 1.6.88) Rs.4303 (From 1.1.96)	Rs.947 (From 1.2.88) Rs.1592 (From 1.6.88) Rs.4796 (From 1.1.96)
Designation : Secondary Grade Teacher ('A') (Sel. Grade) Date of Retirement : 31.12.1987 Scale of Pay : Rs. Pay Rs.820/-	Rs.472 (From 1.1.88) Rs.815 (From 1.6.88) Rs.2480 (From 1.1.96)	Rs.513 (From 1.2.88) Rs.890 (From 1.6.88) Rs.2703 (From 1.1.96)
Designation : Tahsildar ('B') Date of Retirement : 31.03.90 Scale of Pay : Rs.1160-50-1460-70-1950 Pay : Rs.2120 from 1.1.89 Rs.2180/- from 1.1.90	Rs.1232 (From 1.4.90) Rs.3723 (From 1.1.96)	Rs.1209 (From 1.4.90) Rs.3654 (From 1.1.96)

It is certified that subject to the observations made supra the illustrative calculations are in order.

Branch Officer/Pension 30"

From the aforesaid chart it appears that those who retired prior to 1st June, 1988 or after 30th June, 1988 from similar post, they will get almost similar quantum of pension.

It is not for us to calculate the emoluments or pension to which one or other retired employee is entitled to under the law. If there is a wrong calculation, it is always open to such employee to bring it to the notice of the competent authority or the Accountant General of the State.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

19. In the present case, we are concerned with the question whether the cut-off date, 1st June, 1988, has any nexus or is arbitrary. This question, we have already answered, the State Government having shown its nexus with the object to achieve.

So far as the other issue is concerned, we have already noticed the above submission made by learned Addl. Advocate General and discussed as to why 13% or 9% or 8% of the Dearness Allowance was ordered to be taken into consideration for Dearness Pay for computation of emoluments and pension. It has already been noticed that those who retired prior to 1st June, 1988 were getting lesser pay than those, who retired on or after 1st June, 1988. In that background, if those retired in the revised scale of pay are provided with the same percentage of Dearness Allowance as per G.O. Ms. Nos.272 and 273, both dated 15th June, 1998, it will create anomaly.

In view of the aforesaid fact, while we are of the opinion that grant of 'Dearness Pay' to all the retired employees in terms with G.O. Ms. Nos.272 and 273, both dated 15th June, 1998, will discriminate two sets of retired employees, i.e., those who retired prior to 1st June, 1988 and those who retired after the said date, we hold that the aforesaid two Government Orders cannot be implemented in respect to those, who retired from service on or after 1st June, 1988 in the revised scales of pay. We, accordingly, uphold the the cut-off date of 1st June, 1988, as prescribed in the impugned order. The second question is, thus, answered against the writ petitioners.

20. Learned single Judge having failed to notice the relevancy of the cut-off date and having failed to notice the relevant issues as discussed above, the order of the learned single Judge dated 23rd Feb., 2006, passed in W.P. No. 26741/05 and the orders dated 20th April, 2006, passed in W.P. Nos.32045 and 32089/06 (T) cannot be upheld. They are, accordingly, set aside. The writ petitions preferred by the petitioners having no merit are fit to be rejected.

WEB COPY

We, accordingly, dismiss all the writ petitions and allow all the writ appeals. Consequently, connected miscellaneous petitions are closed. But, there shall be no order as to costs.

Sd/-
Asst. Registrar.

/true copy/

https://hcservices.ecourts.gov.in/hcservices/

Sub Asst. Registrar.

GLN

To

1. The Secretary
Finance (Pension) Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

2. The Accountant General
Teynampet, Chennai-6

3. Judicial Magistrate
Sankagiri, Salem District.

4. The Deputy Secretary to Government of Tamilnadu
Home (Courts-5) Department
Secretariat, Chennai-9.

5. Judicial Magistrate II
Sankari, Salem.

6. The Registrar
High Court, Madras

7. The Commissioner
Gudiyatham Municipality
Gudiyatham, Vellore District.

8. The Commissioner
Tirunelveli Municipality
Tirunelveli District.

9. The Examiner
Local Fund Accounts
Madras.

2 ccs to Mr.S.M. Sybramaniam, Sr. 74581
1 cc to Government Pleader, Sr. 74618

WEB COPY

W.A. NO. 1002 OF 2006
W.A. NOS. 9 & 75 OF 2007
W.P. NOS. 11062 & 11634/2002
W.P. NOS. 31753 & 33944 /2006
& 10946, 12197, 13514 & 15353
OF 2007

KM (CO)
kk 2/1

https://hcservices.ecourts.gov.in/hcservices/